

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2222 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UPADHYAY HARISHCHANDRA M

Versus

UPADHYAY CHANDULAL NATHALAL

Appearance:

MR DT SONI for Petitioner

MR NILESH A PANDYA for Respondent No. 1 & 2

MR SR DIVETIA for Respondent No. 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/09/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. Admittedly, the Regular Civil Suit No.209 of 1986 filed by respondent No.2 against the petitioner regarding the dispute of right, title and interest in the suit lands, is pending before the Civil Judge (J.D.), Karjan.

In the said suit, the respondent No.2 filed an application for grant of interim relief regarding his possession which has been granted. The petitioner being aggrieved of that order preferred Misc.Civil Appeal No.72 of 1987 before the District Judge, Baroda, which, at the time of filing this Special Civil Application was pending, but now it has been stated that the same has been dismissed.

3. In this Special Civil Application, dispute has been raised by the petitioner regarding the correction of revenue entries in the records in respect of land in dispute. The proceedings of correction of entries in the revenue record are fiscal proceedings in which right, title or interest of respective parties are not being decided. These entries are only made for the purpose of revenue collection. Even if some entries have been made in favour of respondents No.1 and 2 against which the petitioner may have some grievance, such entries are of no consequence so far as the respective right, title or interest of the parties in the suit lands are concerned. These entries are always subject to final decision given in the matter by the Civil Court and that matter, as stated earlier, is pending. In view of this fact, it cannot be said that by the impugned order made in the proceedings of correction of entries, any prejudice will be caused to the petitioner or otherwise it may have any effect on the alleged right, title or interest of the petitioner in the land in dispute.

3. In the result, this Special Civil Application is dismissed with observation that the entries made in the revenue record in respect of lands in dispute are all subject to decision of Regular Civil Suit No.209 of 1986. The Special Civil Application is dismissed. Notice discharged. No order as to costs.

.....

(sunil)